

[1]

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL MISC. APPLICATION NO.109/07

In

S.B. CIVIL MISC. ARBITRATION APPLICATION NO.39/07

Smt. Munni Devi

Versus

The Rajasthan State Beverage Corporation Ltd.

DATE OF ORDER :: 16/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. R.B. Mathur, for applicant

* * *

Vide order dated 20th July, 2007, this Court while invoking power u/s.11 of Arbitration & Conciliation Act, 1996 directed the respondent to appoint Arbitrator to settle the dispute within a period of 30 days. Thereafter, present application has been filed on behalf of respondent for recalling of said order on the premise that the same dispute which the applicant wants to settle through arbitration, is pending before civil court and this fact could not have been brought to the notice of this court at the time of passing of order by this court dated 20th July, 2007.

After filing of application, notices were issued by this court on Arbitration Application No.39/07 and since despite service when no one appeared, this court after taking into

[2]

consideration the material considered appropriate to direct the respondent to appoint Arbitrator and this court does not find any justification in the present application to recall the said order.

Consequently, the present application stands dismissed. However, the respondent may now proceed in accordance with law to appoint Arbitrator to resolve the dispute as referred to in the order of this court dated 20th July, 2007.

[AJAY RASTOGI], J.